



JON S. CORZINE  
Governor

**New Jersey Office of the Attorney General**

Division of Consumer Affairs  
State Board of Veterinary Medical Examiners  
124 Halsey Street, 6<sup>th</sup> Floor, Newark, NJ 07102

RECEIVED and FILED by the  
NEW JERSEY STATE BOARD OF  
VETERINARY MEDICAL EXAMINERS  
on this date of: 11-7-07

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Attorney General

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**Mailing Address:**  
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October 23, 2007

By Certified and Regular Mail

David Zelnick, V.M.D.  
Humane Society of Atlantic County  
1401 Absecon Boulevard  
Atlantic City, New Jersey 08401

Re: I/M/O DAVID ZELNICK, V.M.D.  
"Buddy" March  
File Number: 05-002

Offer of Settlement In Lieu of Disciplinary Proceeding

Dear Dr. Zelnick:

This letter is to advise you that the New Jersey State Board of Veterinary Medical Examiners (hereinafter referred to as the "Board") has had an opportunity to review information it received, filed by Ken and Connie March, concerning the treatment which you rendered to her dog, "Buddy," on or about October 6, 2004.

Specifically, the information reviewed by the Board included, but is not limited to, the following documents:

1. A complaint filed by Ken and Connie March with the Board's administrative office, on or about December 13, 2004, as well as any and all attachments and exhibits;
2. A correspondence dated January 15, 2005, from Dr. Zelnick, as well as any and all attachments and exhibits; and
3. Medical Records of Buddy March.

In reviewing the records in this matter, the Board found that Buddy, a cryptorchid Rottweiler was presented to you, at the Spay-Neuter Clinic of the Humane Society of Atlantic City, on October 6, 2004, for neutering. The Board has concluded that the veterinary medical services you provided to Buddy in this matter was appropriate and, hence, warranted no disciplinary action.

However, in its review of this case, the Board had the opportunity to review the patient records you submitted regarding Buddy. Upon review of all available information, the Board has preliminarily found that probable cause exists to support a finding that you violated as well as failed to comply with the Veterinary Practice Act, and the provisions of the regulations administered by the Board, in violation of N.J.S.A. 45:1-21(h) and N.J.A.C. 13:44-4.9. Specifically, the Board's review of Buddy's patient records, which you created and maintained relative to your care and treatment of the dog, failed to contain important and necessary information, such as, but not limited to, the surgical record of the neuter surgery performed on Buddy on October 6, 2004. The Board preliminarily finds that your records therefore violated the mandates of N.J.A.C. 13:44-4.9.

N.J.A.C. 13:44-4.9(a) provides, in the pertinent portion that:

A licensee shall maintain a separate patient record for each animal, herd or flock. All patient records shall accurately reflect the treatment or services rendered. Such records shall include at least the following information:

1. The name of the facility and identification of the treating licensee. If the patient is treated by anyone other than the licensee, the licensee shall ensure that the identity of the individual providing the service is indicated in the patient record and that the provider initials and dates each entry he or she makes on the patient record;
2. The name, address and telephone number of the owner of the animal;
3. Sufficient information to clearly identify the animal, herd or flock (for example, animal name or tattoo, breed or predominant breed species);
4. A history of the presenting problem;
5. All pertinent symptoms and signs observed;
6. Tests ordered or performed and the results thereof;
7. Conclusions and/or diagnosis;
8. The treatment or treatment plan prescribed, including a specific notation of any medications or modalities prescribed;
9. Such other notes or information so as to provide a clear statement of the patient's condition and the veterinary evaluation and response;

10. The name, initials or other identifying information to indicate the identity of the licensee or agent making the entry in the patient record; and
11. Copies of any consent forms signed by the owner or the owner's representative.

[N.J.A.C. 13:44-4.9(a); emphasis added].

At this juncture, the Board has determined that the above violation is sufficient to warrant the initiation of formal disciplinary proceedings against you. Notwithstanding that determination, however, the Board has determined that it will first offer you an opportunity to settle this matter, and thereby avoid the initiation of disciplinary proceedings, should you consent to:

1. You are hereby formally reprimanded by the Board for failing to adhere to the patient records requirements as enumerated in N.J.A.C. 13:44-4.9;
2. Cease and desist from further violations of the patient records rule, namely N.J.A.C. 13:44-4.9; and
3. Pay a penalty in the amount of \$1,000.00, to be paid immediately upon your signing of the acknowledgment at the bottom of this letter, for violating the Board's record keeping regulation, in violation of N.J.S.A. 45:1-21(h) and N.J.A.C. 13:44-4.9.

If you are willing to settle this matter on the offered settlement terms, you may do so by signing the acknowledgment at the bottom of this letter, and returning it to the Board office. In such event, this letter will be a matter of public record.

In the event you are unwilling to settle this matter on the offered terms, it may be referred to the Attorney General's office for the initiation of appropriate disciplinary action. In such event, you will be afforded an opportunity to defend against the alleged violations. If an evidentiary hearing is deemed warranted, the Board will either conduct that hearing at a date and time to be scheduled or refer the matter to the Office of Administrative Law. You are advised, however, that in the event formal charges are filed, the Board may assess civil penalties in an amount greater than that herein offered in settlement should any charges against you be sustained. Additionally, the Board may, if the facts are found to so warrant, enter an Order, requiring you to reimburse certain monies and/or requiring you to pay costs incurred by the Board. Should you have any questions concerning this letter or the settlement offer herein, I suggest that you contact Deputy Attorney General Olga E. Bradford, who may be reached at (973) 648-3696.

If you elect to settle this matter presently, you should sign the acknowledgment at the bottom of this letter and return it to the Board within fifteen (15) days following your receipt of this letter. In the event that the Board receives no response from you within fifteen (15) days, the Board's settlement offer will be withdrawn, and the matter will be referred to the Attorney General's Office for the initiation of the appropriate enforcement action.

NEW JERSEY STATE BOARD OF  
VETERINARY MEDICAL EXAMINERS

By: Leslie G. Aronson  
LESLIE G. ARONSON  
Executive Director

ACKNOWLEDGMENT: I, DAVID ZELNICK, V.M.D., hereby acknowledge that I have read and reviewed the settlement proposal set forth in the above letter. I acknowledge the conduct which has been charged. I am aware that, by signing this acknowledgment, I am waiving any rights I may have to defend myself against any charges of wrongdoing at an administrative hearing. I am also aware that the action taken against me by the Board herein is a matter of public record, and that this letter is a public document. I hereby agree to pay a penalty in the amount of \$1,000.00, which is to be paid upon my

signing of this acknowledgment, for failing to comply with the patient records rule, contrary to N.J.A.C. 13:44-4.9.

David Zelnick  
DAVID ZELNICK, V.M.D.

DATED:

cc: Deputy Attorney General Olga E. Bradford